

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article X of the Constitution of the Three Affiliated Tribes specifically authorizes amendment of the Tribal Constitution by referendum vote of the Tribal People; and
- WHEREAS, The Tribal Business Council has, by previous resolution, approved amended Article I, entitled "Territory," and Article VI entitled "Powers," so as to assert full jurisdiction over all persons and all lands within the exterior boundaries of the Reservation; and
- WHEREAS, The Field Solicitor of the Department of the Interior has agreed that these amendments to the Constitution are necessary in order to assert jurisdiction over non-Indians within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS, The previous resolution directed the Legal Department to propose appropriate language asserting the necessary sovereign power to carry out--legislatively and judicially--the jurisdiction asserted in Article I; and
- WHEREAS, The Legal Department proposes to strike completely the present Sections 3, 3(b), 3(c), and 3(d), and to substitute as the amended Article VI the following language:

Section 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council, shall have the powers granted in this Article, but any power exercised through that Council shall be subject to a popular referendum as provided in this Constitution.

Section 2. The exercise of the powers granted in this Constitution is subject to any limitations imposed by the statutes of the United States or the Constitution of the United States, and to all express restrictions upon such powers contained in this Constitution and Bylaws.

Section 3. The people of the Fort Berthold Indian Reservation hereby grant to the Three Affiliated Tribes Business Council all necessary sovereign authority--legislative and judicial--for the purpose of exercising the jurisdiction asserted by the Tribal People in Article I of this Constitution. Further, the People also hereby grant to, and hereby authorize, the Tribal Business Council to delegate to the Tribal Court such judicial power and authority as may be necessary to realize the jurisdiction granted

presenting their claims or grievances before any court or agency of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

Section 3(b). The People of the Fort Berthold Indian Reservation, in order to achieve a responsible and wise administration of this sovereignty delegated to the Tribal Business Council, hereby specifically grant to the Tribal Court the authority to enforce the provisions of the Indian Civil Rights Act, 25 U.S.C. § 1301, et seq., including the award of injunctive relief only, against the Tribal Business Council if it is determined through an adjudication that that Council has in a specific instance violated that Act.

Section 4. Any resolution or ordinance which, by the express requirements of federal law, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Agency, who shall, within ten (10) days thereafter, approve or disapprove the same.


NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council approves the proposals of the Legal Department to strike completely the present Sections 3, 3(b), 3(c), and 3(d) from Article VI and to substitute the language proposed by the Legal Department, as stated hereinabove, as the amended Article VI of the Constitution of the Three Affiliated Tribes.

BE IT FURTHER RESOLVED, That the amendments to Article VI of the Constitution be subject to the special referendum election to be administered by the Secretary of the Interior.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members, of whom 7 constitutes a quorum, 8 were present at a ~~Meeting~~ SPECIAL Meeting thereof duly called, noticed, convened, and held on the 6 day of ~~September~~ September 1984; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, — members opposed, — members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 6 day of September 1984


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council